

Entered - 04-26-00- sb  
CL 00L0267- GWENDOLYN BURNS

CLAIM OF: BARBARA S. WARREN  
P.O. Box 2852  
Peachtree City, Georgia 30269

02- R -1842

For bodily injuries alleged to have been sustained from a water meter that was improperly covered on November 27, 1999 at 1740 Langston Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL NOV 04 2002

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/29/02

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

November 6, 2002

Ms. Barbara S. Warren  
P.O. Box 2852  
Peachtree City, Georgia 30269

**02-R-1842**

Dear Ms. Warren:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0267

Date: October 15, 2002

Claimant /Victim BARBARA S. WARREN

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: P.O. Box 2852, Peachtree City, Georgia 30269

Subrogation: \_\_\_\_\_ Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ unspecified

Date of Notice: 4/3/00 Method: Written, Proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) X

Date of Occurrence 11/27/99 Place: 1740 Langston Avenue

Department WATER Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she stepped into an open water meter. An investigation determined that the meter was completely surrounded with tree roots which distorted the shape of the meter and caused the cover not to properly cover the meter. Further inquiries revealed that this condition had existed prior to the contract between the City and United Water Services Atlanta. However, the claimant has failed to substantiate and pursue her claim.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

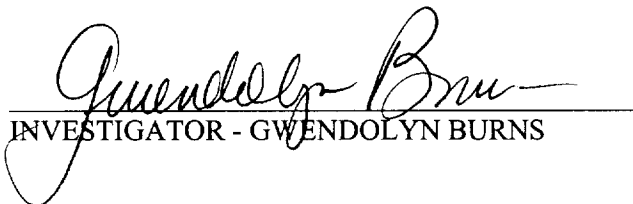
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 10-16-02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4209  
11/04/02  
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871  
02-R-1885; 02-O-1879  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11/08/02 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1730	34. 02-R-1827
2. 02-O-1733	35. 02-R-1828
3. 02-O-1734	36. 02-R-1829
4. 02-O-1891	37. 02-R-1830
5. 02-O-1537	38. 02-R-1831
6. 02-O-1550	39. 02-R-1832
7. 02-R-1587	40. 02-R-1833
8. 02-R-1893	41. 02-R-1834
9. 02-R-1857	42. 02-R-1835
10. 02-R-1858	43. 02-R-1836
11. 02-R-1883	44. 02-R-1837
12. 02-R-1901	45. 02-R-1838
13. 02-R-1851	46. 02-R-1839
14. 02-R-1852	47. 02-R-1841
15. 02-R-1729	48. 02-R-1842
16. 02-R-1910	49. 02-R-1843
17. 02-R-1846	50. 02-R-1844
18. 02-R-1862	51. 02-R-1845
19. 02-R-1626	
20. 02-R-1855	
21. 02-R-1876	
22. 02-R-1815	
23. 02-R-1816	
24. 02-R-1817	
25. 02-R-1818	
26. 02-R-1819	
27. 02-R-1820	
28. 02-R-1821	
29. 02-R-1822	
30. 02-R-1823	
31. 02-R-1824	
32. 02-R-1825	
33. 02-R-1826	
Consent I Vote:            13 Yeas; 0 Nays            (See RCS #4209) Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879 (Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)	